UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

PRIME CAPITAL VENTURES, LLC, PAUL A. LEVINE, ESQ. as Permanent Receiver over Prime Capital Ventures, LLC, COMPASS-CHARLOTTE, 1031, LLC, and CHRISTIAN H. DRIBUSCH, ESQ., as Chapter 7 Trustee in the Matter of Kris Daniel Roglieri,

Appellants,

1:24-CV-939 (MAD)

-against-

B AND R ACQUISITION PARTNERS, LLC and JHM LENDING VENTURES, LLC,

Appelle	es.
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ORDER TO SHOW CAUSE FOR STAY PENDING APPEAL

Upon the Affirmation of Stephen A. Donato, a member of Bond, Schoeneck & King, PLLC, proposed attorneys for Prime Capital Ventures, LLC, one of the appellants in the above-captioned case, and submitted pursuant to Rules 8002, 8003 and 8007 of the Federal Rules of Bankruptcy Procedure and Rule 7.1(e) of the Local Rules for the United States District Court for the Northern District of New York; and upon the joint motion of Paul A. Levine, the permanent receiver of Prime Capital Ventures, LLC appointed by Order dated January 24, 2024 of Judge Mae A. D'Agostino of the United States District Court for the Northern District of New York, Christian H. Dribusch, the Chapter 7 Trustee of Kris Daniel Roglieri, and Compass-Charlotte 1031, LLC, pursuant to Bankruptcy Rule 8007, for entry of an order granting a stay pending appeal of the Memorandum Decision and Order entered by the United States Bankruptcy Court for the Northern District of New York on July 23, 2024, which dismissed Prime Capital Venture LLC's bankruptcy petition, No. 24-10531, Dkt. No. 85; it is hereby

ORDERED that Appellees or their respective attorneys show cause before this Court, through the filing of a response to this Order to Show Cause, why an Order granting Appellants' motion seeking a stay pending appeal pursuant to Bankruptcy Rule 8007 during the pendency of Appellants' appeal of the Dismissal Order should not be entered; and

IT IS FURTHER ORDERED that any opposing papers in response to this Order to Show Cause shall be delivered no later than Friday, August 2, 2024. Service shall be made by delivering the papers by e-mail to Appellants' counsel and the Office of the United States Trustee and by filing on PACER. Appellants shall have until Monday, August 5, 2024, to serve any reply papers upon Appellees' counsel and the Office of the United States Trustee by delivering the papers by e-mail and by filing on PACER; and

IT IS FURTHER ORDERED that after reviewing the response to this Order and any reply that Appellants may file, the Court will determine whether a hearing is required; and

IT IS FURTHER ORDERED that the Bankruptcy Court's temporary stay is extended until Friday, August 16, 2024, at 5:00PM or sooner at such time as the Court receives opposing papers, determines if a hearing is necessary, and decides whether to grant Appellants' request for a stay pending resolution of their appeal; and

IT IS FURTHER ORDERED that service of a copy of this Order, together with the Motion and supporting papers upon which it is based, shall be deemed good and sufficient service if served upon: M. Patrick Everman, Esq. and Matthew W. McDade, Esq., counsel for B and R Acquisition Partners, LLC and JHM Lending Ventures, LLC, Balch & Bingham LLP, 188 East Capitol Street, Suite 1400, Jackson, Mississippi 39201; Pieter H.B. Van Tol, III, Esq., former counsel for Prime Capital Ventures, LLC, Hogan Lovells US LLP, 390 Madison Avenue, New York, New York 10017; Jon T. Powers, Esq., counsel for Piper Capital Funding LLC,

White and Williams LLP, 7 Times Square, Suite 2900, New York, New York 10036; Joseph P. Lombardo, Esq., counsel for ER Tennessee LLC, Chapman and Cutler LLP, 320 South Canal Street, Chicago, Illinois 60606; and the Office of the United States Trustee, Lisa M. Penpraze, Esq., Assistant United States Trustee, Office of the United States Trustee, Leo O'Brien Federal Building, 11A Clinton Avenue, Room 620, Albany, New York 12207, by overnight delivery or electronic mail, no later than **Thursday, August 1, 2024, at 9:00 AM**.

IT IS SO ORDERED.

DATED: July 31, 2024

Mae A. D'Agostino

U.S. District Judge